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and sending it forth in a logical and proper form, so that it may be the more easily consulted and readily comprehended, not the least advantage accruing to the profession and to the public at large from their endeavors is to be found in the careful discussion given to controverted theories and the final adoption of a certain and intelligent rule. A single example of a much mooted question, which has been definitely settled in the present work, will suffice to show the beneficial effect of such deliberations. Take, for instance, the subject of anomalous indorsements, upon which the courts in different jurisdictions have entertained such opposite views, one treating the writer of an irregular or anomalous indorsement as a joint maker of the note, another as a guarantor, another as an indorser, and a fourth as a second indorser, while in England his act is regarded as having no legal effect.

The confusion arising from such a conflict of authority is certainly to be deplored. It has been done away with, however, in those states which have adopted this well drawn law and the ably considered decision of the Commission to the effect that an irregular indorser should, in reason and sound law, be treated as a second indorser will go far, perhaps, to settle the trend of opinion in the matter. In fact, wherever the courts have failed to agree, the different theories have been compared, and that one having most to recommend it adopted. As Mr. Crawford's book gives the reasoning by which the Commissioners arrived at their conclusions, it will be of assistance in jurisdictions where a given question is still open to judicial determination.

M. L., Jr.

PROBATE REPORTS ANNOTATED. By FRANK S. RICE. Vol. I.
New York: Baker, Voorhis & Co. 1897.

The above is the initial volume of a new series of reports which are to be the successors of the "American Probate Reports." Their plan is stated to be, to give in an annual volume contemporaneous or recent decisions of the courts of the different states upon all matters cognizable in Probate and Surrogate courts, of general value to the profession. The editors propose to exclude all cases which "carry their own solution in the mere statement of the facts that underlie them" and to present only those "that embody the more intricate phases of probate litigation;" to give dissenting opinions where they rest upon fine distinctions and present the *contra* view convincingly; and to report all cases promptly, regardless of their appearance in official form. On the whole, the scheme of the work is well considered, and, if properly carried out, should result in a series of reports of great value to every lawyer.

But the present volume is marred by some unfortunate defects, sometimes suggestive of careless proof-reading, and sometimes of hasty preparation of the subject-matter; while the abridged quotations from Schouler, Dem. Rel., (P. 569, l. 43) and 3 Johns. Ch. 481 (P. 570, l. 4) are most ambiguously worded and convey no

idea of the statements in the original. Further, the annotation seems at times unnecessarily profuse; five pages of fine type are devoted to the Doctrine of Estates Tail, yet the author himself says (p. 11) that the universal opposition of courts and legislatures to their existence "renders the entire subject of little practical importance" in this country. In this note the author names seven states which have abolished estates tail or converted them into fees simple, but no mention is made of Pennsylvania, in which, by the Act of April 27, 1855, estates tail were converted into fees simple; though the case to which this note is appended is from Pennsylvania: *Ralston v. Truesdell*, 35 Atl. Rep. 813 (Nov. 11, 1896). On the other hand, the most important topic of implied trusts is disposed of in a note of only one page in length, and is in consequence very inadequately treated. Moreover, the editor does not distinguish clearly between resulting and constructive trusts; his definition is, "Implied trusts arise where the intent to create is a logical inference on the language of the instrument." This, of course, does not include constructive trusts, where the intention of the parties is often entirely disregarded. In the otherwise excellent note on the rule in *Shelley's Case*, the editor says: "It is exceedingly doubtful if any equity court in this country would enforce its (the Rule's) provisions in an extreme case, and it is certain that it is very generally regarded rather as a rule of construction than as a rule of law; that is to say, its rigors are abated in all instances when its enforcement would contravene the manifest intention of the testator." This broad statement will surprise lawyers in some jurisdictions; notably in Pennsylvania, in the light of *Heister v. Yerger*, 166 Pa. 445 (1895), and *Grimes v. Shirk*, 169 Pa. 74 (1896).

It is unfortunate that these blemishes should appear in a work on the whole so valuable and well prepared, and we hope the succeeding volumes of the series will retain all of the merits of the present one while eliminating its faults.

M. H.